REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. In response to the Final Office Action, claims 1 and 9 are amended, no claims are cancelled, and no claims are added. Accordingly, claims 1-16 are pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1, 2, 6, 7, 9, 10, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0001864 filed by Charpentier ("Charpentier") in view of U.S. Patent No. 7,237,190 issued to Rollins et al. ("Rollins") for the reasons indicated at pages 2-4 of the Office Action. Claims 3-5 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Charpentier in view of Rollins, and further in view of U.S. Publication No. 2001/0047422 filed by McTernan *et al.* ("McTernan") for the reasons indicated at pages 4-6 of the Office Action. Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Charpentier in view of Rollins and further in view of U.S. Patent No. 6,232,974 issued to Horvitz *et al.* ("Horvitz") for the reasons indicated at pages 6-7 of the Office Action.

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham).

In regards to claims 1 and 9, these claims have been amended to recite "a graphics meta-data adapting means for adapting meta-data of graphics contents such that the meta-data corresponds to characteristics of the graphics contents after being adapted by the graphics adapting means" (claim 1) and "adapting meta-data of the graphics contents such that the meta-data corresponds to characteristics of the graphics contents after being adapted according to the graphics usage environment information" (claim 9). These amendments are supported, for example, by page 11, line 9 through page 12, line 8 of the Specification as filed. The Applicants

submit that the combination of Charpentier and Rollins fails to teach or suggest these elements of amended claims 1 and 9.

Charpentier discloses manipulating graphics according to a computing device upon which the graphics information is to be displayed. See Charpentier, Abstract. Rollins discloses a system and method for customizing components of an XML document. See Rollins, Abstract. However, Charpentier and Rollins each fail to disclose also updating the metadata associated with the respective manipulated/customized objects as recited in amended claims 1 and 9, because there is no discussion in these references concerning metadata. Thus, the combination of Charpentier and Rollins fails to teach or suggest these elements of amended claims 1 and 9 and cannot maintain a rejection under 35 U.S.C. § 103.

Adjusting the metadata associated with the graphics objects after the graphics objects have been altered allows the adapted graphics to be accurately catalogued and organized. Modern digital graphics programs typically utilize this metadata to sort and display characteristic data about the graphics objects. See "Metadata." Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. 9 June 2009. <http://wikipedia.org/wiki/Metadata>. By updating this data per the adaptation, the apparatuses of amended claims 1 and 9 ensure that the metadata attached to the graphics contents is accurate and will consequently be properly organized.

By failing to disclose adapting meta-data of graphics contents such that the meta-data corresponds to characteristics of the graphics contents, the combination of Charpentier and Rollins fails to teach or suggest each element of amended claims 1 and 9. According to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re* Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, amended claims 1 and 9 are not obvious in view of the cited prior art. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

In regard to claims 2-8 and 10-16, these claims depend from independent claims 1 and 9, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that the combination of Charpentier and Rollins discloses all elements of claims 1 and 9 which are incorporated in dependent claims 2-8 and 10-16. However, as discussed above, the combination of Charpentier and Rollins does not disclose all the limitations of amended claims 1 and 9. Further, the Examiner has not cited and the Applicants have been unable to locate any sections of McTernan or Horvitz which cure the deficiencies of Charpentier and Rollins. Therefore, claims

2-8 and 10-16 are not obvious in view of the cited prior art. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on the date below.

Suzanne Johnston — 8/21/09 Date